

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

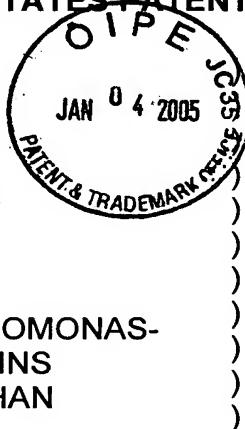
In re Patent Application of:

Jerome Pierrard et al.

Application No.: 10/018,786

Filed: June 26, 2002

For: A VIRULANT XANTHOMONAS-
CAMPESTRIS STRAINS
PRODUCING XANTHAN



Group Art Unit: 1653

Examiner: Robert A. Wax

Confirmation No.: 1914

DECLARATION ON BIOLOGICAL DEPOSIT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Deborah H. Yellin declare as follows:

1. The cultures, referenced in the above-captioned patent application as RPA-BIOCAT 1016 (Accession No. CBS 101940), BIOCAT 1017 (Accession No. CBS 101941), BIOCAT 1019 (Accession No. CBS 101942), BIOCAT 1021 (Accession No. CBS 101943), and BIOCAT 1022 (Accession No. CBS 101944) were deposited on June 16, 1999 at the depository Centraalbureau Vorr Schimmelcultures (CBS), Ossterstaat 1, P.O. Box 273, 3740 AG Baarn, The Netherlands, as a permanent deposit and will be made available to the public in accordance with the regulations set forth at 37 C.F.R. § 1.806. A copy of the receipt document reciting the terms of deposit is attached hereto.

2. It is further declared that the applicants acknowledge their duty to remove all restrictions on the dissemination of the deposited cell line upon the issue of a patent arising from the present application. The applicants have accepted the responsibility to replace the cell line if the deposit with the CBS should die or be destroyed and have paid the fee for the patent-related deposit services.

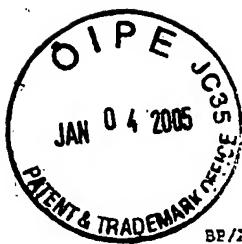
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant application or any patent issuing thereon.

Date: January 4, 2005



Deborah H. Yellin
Reg. No. 45,904

VA 458103.1



BP/A/II/12
page 14

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR: RPA-BIOCAT 1016	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: CBS 101940
--	--

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description
 a proposed taxonomic designation
(mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository accepts the microorganism identified under I above, which received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depository Authority on not applicable (date dd-mm-yy of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on not applicable (date dd-mm-yy of receipt of request for conversion)

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Centraalbureau voor Schimmelcultures

Address: Oosterstraat 1
P.O. Box 273
3740 AG BAARN
The Netherlands

Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):

Mrs F.B. Snippe-Claus

Dr. J.A. Stalpers

Date (dd-mm-yy): 22-06-99

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

*name and address of the party to whom the
viability statement is issued*

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: CBS 101940 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II. above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was</p> <p><input checked="" type="checkbox"/>³ viable</p> <p><input type="checkbox"/>³ no longer viable</p>	

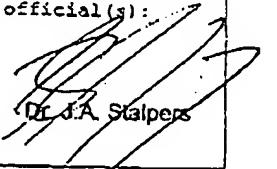
¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED ⁴

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Centraalbureau voor Schimmelcultures	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Mrs F.B. Snippe-Claus
Address: Oosterstraat 1. P.O. Box 273 3740 AG BAARN The Netherlands	Date (dd-mm-yy): 22-06-99  Mr. J.A. Stalpers

⁴ Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR: RPA-BIOCATE 1017	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: CBS 101941
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II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description
 a proposed taxonomic designation
(mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository accepts the microorganism identified under I above, which
received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depository
Authority on not applicable (date dd-mm-yy of the original deposit) and a
request to convert the original deposit to a deposit under the Budapest Treaty was received
by it on not applicable (date dd-mm-yy of receipt of request for conversion)

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Centraalbureau voor Schimmelcultures

Address: Oosterstraat 1
P.O. Box 273
3740 AG BAARN
The Netherlands

Signature(s) of person(s) having the power
to represent the International Depository
Authority or of authorized official(s)

Mrs F.B. Snippe-Claas
Dr. J.A. Stulpers

Date (dd-mm-yy): 22-06-99

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international
depository authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie Usine de Melle R.T.A. BP 30 79500 MELLE Frankrijk name and address of the party to whom the viability statement is issued	VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITORY AUTHORITY identified on the following page
--	--

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: CBS 101941 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was <input checked="" type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable	

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED

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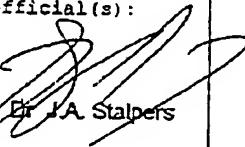
V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Centraalbureau voor Schimmelcultures

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Address: Oosterstraat 1
P.O. Box 273
3740 AG BAARN
The Netherlands


Mrs F.B. Snippe-Claus
Date (dd-mm-yy): 22-06-99


Dr. J.A. Stalpers

* Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:
RPA-BIOCAT 1019

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:
CBS 101942

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description
 a proposed taxonomic designation
(mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository accepts the microorganism identified under I above, which
received by it on 18-06-99 (date dd-mm-yy of the original deposit) 1

IV. RECEIPT OF REQUEST FOR CONVERSION

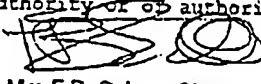
The microorganism identified under I above was received by this International Depository
Authority on not applicable (date dd-mm-yy of the original deposit) and a
request to convert the original deposit to a deposit under the Budapest Treaty was received
by it on not applicable (date dd-mm-yy of receipt of request for conversion)

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Centraalbureau voor Schimmelcultures

Address: Oosterstraat 1
P.O. Box 273
3740 AG BAARN
The Netherlands

Signature(s) of person(s) having the power
to represent the International Depository
Authority or its authorized official(s):


Mrs F.B. Snippe-Claas
Date (dd-mm-yy): 22-06-99


Dr. J.A. Stapers

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international
depository authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

*name and address of the party to whom the
viability statement is issued*

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: CBS 101942 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was</p> <p><input checked="" type="checkbox"/>³ viable</p> <p><input type="checkbox"/>³ no longer viable</p>	

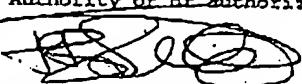
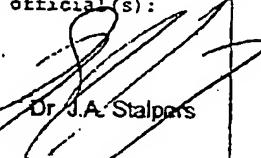
¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Centraalbureau voor Schimmelcultures	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Mrs F.B. Snippe-Claus
Address: Oosterstraat 1 P.O. Box 273 3740 AG BAARN The Netherlands	Date (dd-mm-yy): 22-06-99  Dr. J.A. Stalpers

⁴ Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

name and address of depositor

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

RPA-BIOCAT 1021

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

CBS 101943

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:



a scientific description



a proposed taxonomic designation

(mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository accepts the microorganism identified under I above, which
received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depository
Authority on not applicable (date dd-mm-yy of the original deposit) and a
request to convert the original deposit to a deposit under the Budapest Treaty was received
by it on not applicable (date dd-mm-yy of receipt of request for conversion)

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Centraalbureau voor Schimmelcultures

Signature(s) of person(s) having the power
to represent the International Depository
Authority or of authorized official(s):

Address: Oosterstraat 1
P.O. Box 273
3740 AG BAARN
The Netherlands

Mrs F.B. Snippe-Claus

Dr. J.A. Stalpers

Date (dd-mm-yy): 22-06-99

1 Where Rule 6.4(d) applies, such date is the date on which the status of international
depository authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie Usine de Melle R.T.A. BP 30 79500 MELLE Frankrijk <i>name and address of the party to whom the viability statement is issued</i>	VIABILITY STATEMENT issued pursuant to Rule 10.2 by the INTERNATIONAL DEPOSITORY AUTHORITY identified on the following page
--	--

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A. Address: BP 30 79500 MELLE Frankrijk	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: CBS 101943 Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was <input checked="" type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable	

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED ⁴

V. INTERNATIONAL DEPOSITORY AUTHORITY

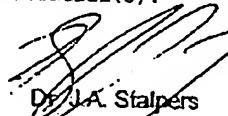
Name: Centraalbureau voor Schimmelcultures

Address: Oosterstraat 1
P.O. Box 273
3740 AG BAARN
The Netherlands

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):



Mrs F.B. Snippe-Claus
Date (dd-mm-yy): 22-06-99



Dr J.A. Stalpers

⁴ Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of depositor

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:
RPA-BIOCATE 1022

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:
CBS 101944

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description
 a proposed taxonomic designation
(mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository accepts the microorganism identified under I above, which
received by it on 16-06-99 (date dd-mm-yy of the original deposit) 1

IV. RECEIPT OF REQUEST FOR CONVERSION

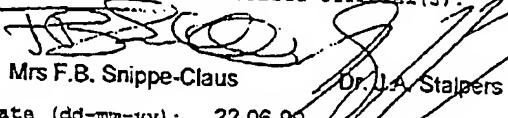
The microorganism identified under I above was received by this International Depository
Authority on not applicable (date dd-mm-yy of the original deposit) and a
request to convert the original deposit to a deposit under the Budapest Treaty was received
by it on not applicable (date dd-mm-yy of receipt of request for conversion)

V. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Centraalbureau voor Schimmelcultures

Address: Oosterstraat 1
P.O. Box 273
3740 AG BAARN
The Netherlands

Signature(s) of person(s) having the power
to represent the International Depository
Authority or of authorized official(s):


Mrs F.B. Snippe-Claus Dr. J.A. Stapers
Date (dd-mm-yy): 22-06-99

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international
depository authority was acquired.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Rhodia Chimie
Usine de Melle
R.T.A.
BP 30
79500 MELLE
Frankrijk

name and address of the party to whom the
viability statement is issued

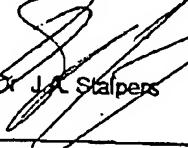
VIABILITY STATEMENT
Issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Rhodia Chimie Usine de Melle R.T.A.	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:
Address: BP 30 79500 MELLE Frankrijk	CBS 101944
Date (dd-mm-yy) of the deposit or of the transfer: 1 16-06-99	
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 22-06-99 2. On that date (dd-mm-yy), the said microorganism was	
<input checked="" type="checkbox"/> ³ viable	
<input type="checkbox"/> ³ no longer viable	

¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY HAS BEEN PERFORMED	
V. INTERNATIONAL DEPOSITORY AUTHORITY	
Name: Cenraalbureau voor Schimmelcultures	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  Mrs F.B. Snippe-Claus Date (dd-mm-yy): 22-06-99
Address: Oosterstraat 1 P.O. Box 273. 3740 AG BAARN The Netherlands	 Dr J.A. Stulpers

⁴ Fill in if the information has been requested and if the results of the test were negative.